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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,235	08/15/2005	Atsushi Kawamoto	10873.160USWO	8754
52835 7590 08/05/2008 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902				
EXAMINER MOLINA, ANITA C				
ART UNIT		PAPER NUMBER		
3626				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,235

Applicant(s)

KAWAMOTO ET AL.

Examiner

ANITA MOLINA

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :08/15/2005, 03/16/2007, 09/28/2007.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,277,071 to Hennessy et al, hereinafter, Hennessy.

As per claim 1, Hennessy teaches a medical data warning notifying system in which a patient terminal used by a patient, a server that controls data that are exchanged between the patient terminal and a hospital terminal, and the hospital terminal used by a doctor are connected via a network, wherein the server comprises:

- a medical data receiving portion for receiving medical data that were input at the patient terminal (see: column 5, lines 30-35);

- a medical data storage portion for storing the received medical data (see: column 5, lines 35-38);

- a judging portion for judging whether or not the received medical data include abnormal data (see: column 5, lines 59-67);

- a warning notifying portion for sending a warning signal to the hospital terminal (see: column 1, lines 14-18), if it is judged that the medical data include abnormal data (see: column 5, lines 59-67); and

-a message transceiver portion for receiving a message generated by the hospital terminal and sending the message to the patient terminal (see: column 5, lines 59-67).

As per claim 2, Hennessy teaches the claimed medical data warning notifying system, wherein the judging portion determines that there is an abnormality if given medical data exceeds a predetermined threshold value (see: column 5, lines 59-67).

As per claims 7-8, they are rejected for the same reason set forth for claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,277,071 to Hennessy in view of US 5,203,343 to Axe et al, hereinafter, Axe.

As per claim 3, Hennessy teaches the claimed medical data warning notifying system, wherein received records are stored by type of the medical data (see: column 6, lines 30-51). Hennessy fails to teach an average value is calculated, and the judging portion determines that there is an abnormality if the difference between the average value and the stored medical data exceeds a predetermined percentage of the average value. Axe teaches a method for treating sleep disorders by providing increased air pressure when a certain threshold level of breathing has occurred. It involves

calculating a running average of the length of each breath, and comparing each new breath to a percentage of that average to determine if the patient is snoring (see: column 3, line 62—column 4, line 4). It would have been obvious to one of ordinary skill in the art to include in the threshold comparison of new data of Hennessy, the running average threshold percentage as taught by Axe because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 4, Hennessy fails to teach the claimed medical data warning notifying system, wherein the received records are records for a predetermined period of time and the average value is an average value for a specified period of time during the predetermined period of time. Axe teaches that the microprocessor maintains values for a duration of ten breaths (a specified period of time) and the average is calculated from that specified duration of time (see: column 3, line 62—column 4, line 4). It would have been obvious to one of ordinary skill in the art to include in the threshold comparison of new data of Hennessy, the running average threshold percentage as taught by Axe for the same reasons set forth for claim 3.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,277,071 to Hennessy in view of US 6,208,974 to Campbell et al, hereinafter, Campbell.

As per claim 5, Hennessy fails to teach the claimed medical data warning notifying system, wherein the warning signal is a signal that changes a display specification of the notified message. Campbell teaches a visual alert screen (see: column 15, lines 5-14). It would have been obvious to one of ordinary skill in the art to include in the alert of Hennessy, the visual alert as taught by Campbell because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6, Hennessy fails to teach the claimed medical data warning notifying system, wherein the warning signal is a signal that controls a sound output of the hospital terminal receiving the warning signal. Campbell teaches an audio alert generated on other computers in the network (see: column 15, lines 5-14). It would have been obvious to one of ordinary skill in the art to include in the alert of Hennessy, the audio alert as taught by Campbell for the same reasons set forth for claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANITA MOLINA whose telephone number is (571)270-3614. The examiner can normally be reached on Monday through Friday 8am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANITA MOLINA/
Examiner, Art Unit 3626
07/28/2008

/Robert Morgan/
Primary Examiner, Art Unit 3626